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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91227484
Party	Defendant Attingo, LLC
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Date	06/01/2016
Attachments	Answer-Ivory Ella.pdf(66263 bytes)

TRADEMARK

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Trademark Opposition of:

Mark: IVORY ELLA

Serial No.: 86/597,563

Filed: April 14, 2015

Hachette Filipacchi Presse,
Opposer,

v.

Attingo, LLC,
Applicant.

Opposition No. 91227484

Date: June 1, 2016

ANSWER TO NOTICE OF OPPOSITION

Applicant Attingo, LLC (“Applicant”), owner of Federal Trademark Application Serial No. 86/597,563 for the mark IVORY ELLA (hereinafter “Applicant’s Mark”), hereby files this Answer to the Notice of Opposition filed on April 22, 2016 by Hachette Filipacchi Presse, (hereinafter “HFP” or “Opposer”), and assigned Opposition No. 91227484.

1. Admitted.
2. Admitted.
3. The allegations of Paragraph 3 constitute conclusions of law to which no response is required or given.

4. Applicant lacks sufficient information to enable it to form a belief as to the truth of the allegations of paragraph 4 of the Notice of Opposition and on that basis denies them.

5. Applicant lacks sufficient information to enable it to form a belief as to the truth of the allegations of paragraph 5 of the Notice of Opposition and on that basis denies them.

6. Applicant lacks sufficient information to enable it to form a belief as to the truth of the allegations of paragraph 6 of the Notice of Opposition and on that basis denies them.

7. Applicant lacks sufficient information to enable it to form a belief as to the truth of the allegations of paragraph 7 of the Notice of Opposition and on that basis denies them.

8. Applicant lacks sufficient information to enable it to form a belief as to the truth of the allegations of paragraph 8 of the Notice of Opposition and on that basis denies them.

9. Applicant lacks sufficient information to enable it to form a belief as to the truth of the allegations of paragraph 9 of the Notice of Opposition and on that basis denies them.

10. Applicant lacks sufficient information to enable it to form a belief as to the truth of the allegations of paragraph 10 of the Notice of Opposition and on that basis denies them.

11. Applicant lacks sufficient information to enable it to form a belief as to the truth of the allegations of paragraph 11 of the Notice of Opposition and on that basis denies them.

12. Applicant lacks sufficient information to enable it to form a belief as to the truth of the allegations of paragraph 12 of the Notice of Opposition and on that basis denies them.

13. The allegations of Paragraph 13 constitute conclusions of law to which no response is required or given, and to the extent any answer is required, otherwise denied.

14. The allegations of Paragraph 14 constitute conclusions of law to which no response is required or given, and to the extent any answer is required, otherwise denied.

15. The allegations of Paragraph 15 constitute conclusions of law to which no response is required or given, and to the extent any answer is required, otherwise denied.

16. The allegations of Paragraph 16 constitute conclusions of law to which no response is required or given, and to the extent any answer is required, otherwise denied.

17. The allegations of Paragraph 17 constitute conclusions of law to which no response is required or given, and to the extent any answer is required, otherwise denied.

18. It is admitted that Applicant filed its application on April 14, 2015. Applicant lacks sufficient information to enable it to form a belief as to the truth of the remaining allegations of paragraph 18 of the Notice of Opposition and on that basis denies them.

19. The allegations of Paragraph 19 constitute conclusions of law to which no response is required or given, and to the extent any answer is required, otherwise denied.

20. The allegations of Paragraph 20 constitute conclusions of law to which no response is required or given, and to the extent any answer is required, otherwise denied.

21. The allegations of Paragraph 21 constitute conclusions of law to which no response is required or given, and to the extent any answer is required, otherwise denied.

22. The allegations of Paragraph 22 constitute conclusions of law to which no response is required or given, and to the extent any answer is required, otherwise denied

23. Admitted.

24. The allegations of Paragraph 24 constitute conclusions of law to which no response is required or given, and to the extent any answer is required, otherwise denied

25. Paragraph 25 is a transitional paragraph to which no response is required.

26. The allegations of Paragraph 26 constitute conclusions of law to which no response is required or given, and to the extent any answer is required, otherwise denied.

27. The allegations of Paragraph 27 constitute conclusions of law to which no response is required or given, and to the extent any answer is required, otherwise denied.

28. The allegations of Paragraph 28 constitute conclusions of law to which no response is required or given, and to the extent any answer is required, otherwise denied.

29. The allegations of Paragraph 29 constitute conclusions of law to which no response is required or given, and to the extent any answer is required, otherwise denied.

30. The allegations of Paragraph 30 constitute conclusions of law to which no response is required or given, and to the extent any answer is required, otherwise denied.

31. The allegations of Paragraph 31 constitute conclusions of law to which no response is required or given, and to the extent any answer is required, otherwise denied.

32. Paragraph 32 is a transitional paragraph to which no response is required.

33. It is admitted that there is no connection between Opposer and Applicant. Applicant lacks sufficient information to enable it to form a belief as to the truth of the remaining allegations of paragraph 33 of the Notice of Opposition and on that basis denies them.

34. The allegations of Paragraph 34 constitute conclusions of law to which no response is required or given, and to the extent any answer is required, otherwise denied.

35. The allegations of Paragraph 35 constitute conclusions of law to which no response is required or given, and to the extent any answer is required, otherwise denied.

36. Paragraph 36 is a transitional paragraph to which no response is required.

37. The allegations of Paragraph 37 constitute conclusions of law to which no response is required or given, and to the extent any answer is required, otherwise denied.

38. Applicant lacks sufficient information to enable it to form a belief as to the truth of the allegations of paragraph 38 of the Notice of Opposition and on that basis denies them.

39. Denied.

40. The allegations of Paragraph 40 constitute conclusions of law to which no response is required or given, and to the extent any answer is required, otherwise denied.

41. The allegations of Paragraph 41 constitute conclusions of law to which no response is required or given, and to the extent any answer is required, otherwise denied.

AFFIRMATIVE DEFENSES

In further answer to the Notice of Opposition, Applicant asserts that:

1. Opposer's Notice of Opposition fails to state a claim upon which relief can be granted, and in particular, fails to state legally sufficient grounds for sustaining the opposition.
2. There is no likelihood of confusion between Applicant's Mark and Opposer's mark.
3. No damage or injury has resulted, will result, or is likely to result from the registration of Applicant's mark.
4. Opposer's claims are barred by the doctrine of unclean hands.
5. Opposer lacks standing to bring this action.

TRADEMARK
Opposition No. 91227484

WHEREFORE, Applicant respectfully requests entry of judgment dismissing Opposer's Notice of Opposition and this proceeding in its entirety, with prejudice.

Respectfully submitted,

IVORY ELLA

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Applicant's Answer to Notice of Opposition was served on Opposer's Attorney of Record by first-class mail, postage pre-paid to the following:

Venus Griffith Trunnel
Attorney at Law
9620 Center Avenue, Suite 130
Rancho Cucamonga, CA 91730

Date: June 1, 2016

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